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REPLY TO WRITTEN OPINION
INTERNATIONAL PATENT APPLICATION PCT/FI2004/050104
APPLICANT: NOKIA CORPORATION
DUE DATE: 20 August 2005

On account of the Written Opinion issued on 21 June 2005 we submit the following:

The applicant respectfully disagrees with the Examiner concerning the meaning of the concept "executable", and traverses the negative opinion.

When reading a patent claim, the words thereof must be given the widest reasonable meaning that conforms with the description and does not contradict the usual parlance of the technical field or common sense. The words of the claims are "*technical* terms...as are generally accepted *in the art*" (Rule 10.1(e) PCT). The technical field concerned is in general the operation of portable electronic devices, which is roughly synonymous with computer programming, since all portable electronic devices of present day include a processor that operates by executing machine-readable instructions it reads from a program memory. Thus, when evaluating what the claims cover with the term "executable blocking key", one must consider, what a person skilled in the art of computer programming understands with this term.

As an example, since the early days of DOS, it has been customary to use the file identifier ".exe" to signify that the file so named contains an executable program. For a person skilled in the art both the identifier ".exe" and the word "executable" mean that contrary to e.g. source code

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files, the exe-file is ready to be loaded to a processor's working memory and to be executed by making the processor read the machine-readable instructions in appropriate sequence. The true and established meaning of the word "executable" is thus widely accepted and commonly known.

A layman might interpret a command "Turn off your transmitter functions" – or a combination of bits that has been agreed to mean the same in a command message – as being "executable", because someone obeying that command "executes" it by acting as the command tells him to act. For a person skilled in the art, however, the difference is clear and evident. The cited prior art publications consistently require that the actually executable part, i.e. the machine-readable instructions stored in a program memory and directly available for a processor to read in sequence, exist in the portable terminal already well in advance. A blocking signal or blocking command as disclosed in prior art is not executable as such (in the established meaning of the word in this technical field) but requires interpretation at the terminal device, and even the results of that interpretation only trigger some further events: they cause the processor to locate the previously stored machine-readable instructions from program memory and start executing them.

Contrary to the prior art solutions, the executable blocking key of the invention is executable as it is. In other words, a portable terminal that receives the executable blocking key may start executing it immediately. What is more, the invention does not require that the portable terminal contained, before receiving the executable blocking key, any previously stored executable routines for blocking any of its operation. Thus the invention is much more versatile in use than any cited prior art solutions: the sender of the executable blocking key has full freedom to choose, exactly what operations he tells the portable terminals to do. In prior art solutions the sender could only tell the portable terminals to block some functions the blocking of which he knows or assumes to be possible by existing program code. According to the invention, the sender of the executable blocking key may tell the portable terminals to do something that even their manufacturer did not know to be possible!

The last-mentioned is an important argument in favor of the non-obviousness of the invention. Simply replacing a known blocking command with some novel form of a blocking command would hardly be inventive, if the practical significance of the concept of blocking remained just the same. However, an executable blocking key according to the invention takes the burden of clever enough programming completely away from the manufacturer of the portable terminals and gives it to the party that is responsible for causing the

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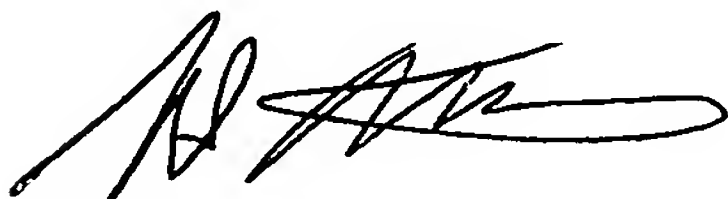
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blocking of functions, simultaneously widening significantly the selection of possible approaches and outcomes.

Since giving the expression "executable blocking key" its true meaning takes away the pertinence of cited prior art, and since this expression is a literal feature of all pending independent claims, we respectfully request a positive reconsideration of the merits of the application in unamended form.

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for Matti Brax



Arto Stenroos
Patent Attorney